

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW JERSEY**

PERRY PRIDMORE)	
)	Case No.:
)	
Plaintiff,)	
)	
v.)	COMPLAINT AND DEMAND FOR
)	JURY TRIAL
COMENITY BANK)	
)	
Defendant.)	(Telephone Consumer Protection Act)

COMPLAINT

PERRY PRIDMORE (“Plaintiff”), by and through his counsel, Kimmel & Silverman, P.C., alleges the following against COMENITY BANK. (“Defendant”):

INTRODUCTION

1. Plaintiff's Complaint is based on the Telephone Consumer Protection Act ("TCPA").

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331. See Mims v. Arrow Fin. Services, LLC, 132 S. Ct. 740, 747, 181 L. Ed. 2d 881 (2012).

1 15. When contacting Plaintiff's cellular telephone, Defendant used an automatic
2 telephone dialing system and automatic and/or pre-recorded messages.

3 16. Defendant's telephone calls were not made for "emergency purposes."

4 17. In early June 2015, Plaintiff revoked any consent previously given to Defendant
5 to place telephone calls to his cellular telephone number.

6 18. Defendant heard and acknowledged Plaintiff's revocation of consent and demand
7 to stop calling his cellular telephone number.

8 19. Despite the above, Defendant persisted in calling Plaintiff on his cellular
9 telephone for several weeks.

10
11 **DEFENDANT VIOLATED THE**
12 **TELEPHONE CONSUMER PROTECTION ACT**

13 20. Plaintiff incorporates the forgoing paragraphs as though the same were set forth
14 at length herein.

15 21. Defendant initiated multiple automated telephone calls to Plaintiff's cellular
16 telephone using a prerecorded voice.

17 22. Defendant initiated these automated calls to Plaintiff using an automatic
18 telephone dialing system.

19 23. Defendant's calls to Plaintiff were not made for emergency purposes.

20 24. Defendant's calls to Plaintiff after he revoked consent in June 2015 were not
21 made with Plaintiff's prior express consent.

22 25. Defendant's acts as described above were done with malicious, intentional,
23 willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law and with the
24 purpose of harassing Plaintiff.
25

1 26. The acts and/or omissions of Defendant were done unfairly, unlawfully,
2 intentionally, deceptively and fraudulently and absent bona fide error, lawful right, legal
3 defense, legal justification or legal excuse.

4 27. As a result of the above violations of the TCPA, Plaintiff has suffered the losses
5 and damages as set forth above entitling Plaintiff to an award of statutory, actual and trebles
6 damages.

7
8 WHEREFORE, Plaintiff, PERRY PRIDMORE, respectfully prays for judgment as
9 follows:

- 10 a. All actual damages suffered pursuant to 47 U.S.C. §227(b)(3)(A);
11 b. Statutory damages of \$500.00 per violative telephone call pursuant to 47
12 U.S.C. §227(b)(3)(B);
13 c. Treble damages of \$1,500 per violative telephone call pursuant to 47
14 U.S.C. §227(b)(3);
15 d. Injunctive relief pursuant to 47 U.S.C. §227(b)(3); and
16 e. Any other relief deemed appropriate by this Honorable Court.
17

18
19 **DEMAND FOR JURY TRIAL**

20 PLEASE TAKE NOTICE that Plaintiff, PERRY PRIDMORE, demands a jury trial in
21 this case.

22
23 **CERTIFICATION PURSUANT TO L.CIV.R.11.2**

24 I hereby certify pursuant to Local Civil Rule 11.2 that this matter in controversy is not
25

1 subject to any other action pending in any court, arbitration or administrative proceeding.

2
3 Respectfully submitted,

4 Dated: July 10, 2015

5 By: /s/ Amy L. Bennecoff Ginsburg
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